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ct/001

**BEFORE HON'BLE HIGH COURT OF JUDICATURE AT
BILASPUR**

W.P. NO. 6 OF 2002

Petitioner

Smt. Nirmal Thakur
W/o Shri M.L. Thakur
Aged about 51 Years
Project Officer, Integrated
Children Development Project,
Women & Children Development
Takhatpur, Distt. Bilaspur

VERSUS

Respondents

1. State of Chhattisgarh
Through The Chief Secretary
Govt. Of Chhattisgarh
D.K.S. Bhavan
Raipur
2. Secretary
Deptt. Of Women & Children
Development, Govt. Of
Chhattisgarh
D.K.S. Bhavan
Raipur
3. Director
Directorate of Women & Children
Development,
Raipur
4. The Collector
Bilaspur District
Bilaspur

**WRIT PETITION UNDER ARTICLE 226/227 OF
CONSTITUTION OF INDIA**

P. R. No. 3020/02
Presented by Shri A. J. Sharma
dated 31.12.02

RECEIVED COPY.
31-12-02
C.B. & TO AG. BILASPUR

आदेश पत्रक

W.P. No. 8/2003

सामान्य क्रमांक

सन् 2003

SMF A. R. M. A. T. H. K. U. R. J. State of C. G. & M. P.

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	22/01/2003 Shri Ajay Sharma, counsel for the petitioner. Shri Sanjay K. Agarwal, Dy.A.G. for the State. Heard. To begin with, it may be stated that transfer is an incidence of service and a person who holds a transferable post cannot object to his transfer as it is within the jurisdiction of the employer to determine as to where a particular employee should or should not be posted. However, there may be some cases of transfer which may be examined by the Court and these would normally be the cases where an employee has been subjected to frequent transfers or the transfer is by way of harassment or to accommodate a particular person by bringing him back to the place where that person was transferred and sending out the incumbent who had joined that particular place on transfer of the previous incumbent. The challenge to an order of transfer in the opinion of the Court, is to be considered in the above background. The challenge in this writ petition is to the order of transfer dated 29/11/2002 (Annexure P/1) whereby the petitioner who was working as Project Officer under the Integrated Child Development Project Office, Takhatpur, District Bilaspur has been transferred in the same capacity to Korba against a vacant post. As that very order discloses one Ravi Sharma has been transferred from Raipur and posted against the post hold by the petitioner.	

[पीछे देखिये]

आदेश पत्रक

WP 8/03

सामान्य क्रमांक

सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	According to the petitioner as the order of transfer has been passed in contravention of the transfer policy of the State Government, she had submitted a representation but as the same has not been considered and decided by the Authorities, she has approached this Court. Since the petitioner has submitted a representation which has yet to be considered, this writ petition is disposed of by directing respondent no.2 to consider and dispose of the petitioner's representation on its own merits within a period of two weeks from the date of communication of this order. It is made clear that this Court is not expressing any opinion on the merits of the representation which has to be considered and disposed of on its own merits by the Authority. Since it was also contended by the petitioner that under the guidelines so far as the husband and wife were in the Government service are to be posted at same place, the State will be free to take a decision of posting both the husband and wife at any place.	Sd/- P. C. Naik Judge

[पीछे देखिये]